

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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CYNTHIA GEIGER and CRYSTAL DAVIS,

Plaintiffs,

v.

RYAN FULLER SMALLWOOD,

Defendant.

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CIVIL ACTION NUMBER:

3:06CV 194-WHA

MOTION TO STRIKE

Comes now the Defendant Ryan Fuller Smallwood in the above-styled action and moves the Court to strike the claim for attorney's fees in the Complaint, and as grounds of support thereof states as follows:

1. The Complaint seeks attorney's fees, and there is no basis for any award of attorney's fees in this case.
2. Attorney's fees are not allowed in a motor vehicle accident case where the allegations are negligence and wantonness.
3. The Defendant respectfully submits that the claim for attorney's fees should be stricken.



Stanley A. Martin (MAR049)
Attorney for Defendant
Ryan Fuller Smallwood


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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a correct copy of the foregoing Motion to Strike upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed with first class postage prepaid thereon.

Honorable Benjamin H. Parr
Post Office Box 229
Opelika, Alabama 36803

This 2nd day of February, 2006.



Stanley A. Martin